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Area senator pursues environmental justice

Proposal asks companies to consider demographics of area when building

By Matthew Tresaugue

Judy Jones and her Grace Lane neighbors for years endured the foul odors, loud noises and fires at the industrial waste facility next door. All the while, they wondered if this daily nightmare would

happen in River Oaks, The Woodlands or any of the other upscale neighborhoods in the Houston area.

The answer, they said, was obvious. The CES Environmental Services facility — now abandoned but still one of the city's most polluted places — was

their burden because they are poor and black and easily overlooked.

"We're paying the price for this while people are sitting in offices doing nothing," Jones said while standing in her driveway recently.

In response, state Sen. Rodney Ellis, a Houston Democrat whose district includes the beleaguered neighborhood, has filed

a bill that would require companies seeking to build or expand facilities to consider economic and racial characteristics of an area during the permitting process.

Senate Bill 253 faces long odds in business-friendly Texas, where state lawmakers typically push for less environmental regulation. Ellis insisted that the legislation is not anti-de-

velopment or anti-industry; rather, he said, it sets out to protect communities that shelter most of the oil refiners, chemical makers, waste-transfer stations and other heavy polluters in the state.

Such considerations are even more important for Houston, he said, because the city does not have zoning. That means industrial facilities, such as CES En-

vironmental, can throw their shadows over houses, schools and churches.

"If you get one of these industrial facilities in your community, then you get two," said Robert Bullard, a sociologist and dean of the Jordan-Leland School of Public Affairs at Texas Southern University. "If you get two, then you get three. If you get three, then

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Bill seeks to reduce burden of pollution on the poor

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you get four. These targeted communities get all of the pollution and none of the benefits."

More than 20 years ago, Bullard helped launch a nationwide movement for "environmental justice" after his research found that landfills, smelters and petrochemical plants were not randomly distributed across Houston and other parts of the South.

He concluded that the poor in general, and minorities in particular, suffer disproportionately from society's toxic ills.

For example, his early work found that all of Houston's city-owned landfills and six of its eight garbage incinerators were located in predominantly black neighborhoods. The city's population, at the time, was overwhelmingly white.

"I've seen very little change," he said. Industry "continues to take the path of least resistance."

'Where we are now'

Perhaps that's what CES Environmental saw in south Houston, in a neighborhood where three of four residents are black and three of five people live in poverty. For six years, the firm cleaned truck trailers, recycled oil and packaged waste for

transport and disposal within 800 feet of three schools and a church, as well as several houses.

CES shuttered the plant and filed for bankruptcy in 2010 after the city cut off its sewer service amid complaints over odors, explosions and on-the-job deaths. The problems led to the company's owner spending a year in federal prison. Last year, state and federal regulators began a \$2.5 million cleanup of the site.

Ellis stopped short of saying his bill would have prevented the company from operating at the site. But it would have "kept this from where we are now" by pushing the firm to address the potential impacts on their neighbors before receiving a state-issued permit, he said.

The Texas Commission on Environmental Quality requires permit applicants to identify what's within a one-mile radius of a site. But companies are not instructed to look at the surrounding area's demographics.

The federal government since 1994 has prohibited its agencies, including the Environmental Protection Agency, from adding to low-income communities' share of pollution.

Ellis' bill would require those seeking to build or expand industrial facilities to come up with a strategy to mitigate the impacts on the surrounding area if at least half of the

population is an ethnic minority or at least 30 percent live below 200 percent of the federal poverty line. The plan would be developed with input from officials in the city where the project is to be located.

Cheap land decides location

The legislation does not prescribe remedies, but Ellis said companies could agree to build bicycling and walking trails, plant community gardens and trees or pledge to reduce diesel emissions.

Some critics of the push for environmental justice say it's not surprising that industrial facilities and poor neighborhoods are near each other because the land is inexpensive. It's about the bottom line, they say, not discrimination.

Also, there is debate over whether such regulation is necessary. "The standards already in place are there to protect all, especially the most sensitive," said Rebecca Rentz, former counsel to the TCEQ and now a Houston attorney specializing in permitting matters.

Tiffany Hogue, policy director for the Texas Organizing Project, which has assisted the CES site's neighbors, said Ellis' bill is "a good first step. It gives residents an explicit seat at the table. It's proactive, not reactive. And anytime you allow public participation, you can see additional safeguards."

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